

# MONROE TOWNSHIP

# ZONING RESOLUTION

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ARTICLE I            PURPOSE

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories and sizes of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residence, recreation or other purposes.

ARTICLE II            DISTRICTS

Section 1    Division Into Districts

In order to regulate and restrict the location and use of buildings and land for residence, trade, industry and other purposes; to regulate and restrict the height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, the amount of parking spaces, and the density of population. Monroe Township, Richland County, Ohio is hereby divided into districts of which there shall be three in number, known as:

- R - Residential District
- B - Business District
- I - Industrial District

Section 2    District Map

The boundaries of the districts are shown upon the map which is made a part of the Resolution, which map is designated as the "District Map." The district map and all the notations, references, and other information shown thereon are a part of this Resolution and have the same force and effect as if the district map and all notations, references, and other information shown thereon were all fully set forth or described therein, the original of which district map is properly attested and is on file with the Township Clerk.

ARTICLE III            AGRICULTURE

Land may be used for agriculture purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located, but residential buildings shall conform to the regulations in this Resolution.

"Agriculture" shall include farming dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal or poultry husbandry; and limited to those uses

defined by the Ohio Revised Code in effect at the time of application or construction or change in land/building use. The sole basis of determination is the actual use of the land/building without regard to the occupation of the landowner or tenant.

## ARTICLE IV CLASSIFICATION OF USES

### Section 1 "R" Residential District

#### Section 1.1 Permitted Uses

1. One and two family dwellings and permanently sited manufactured homes as defined in ARTICLE XXI, definition #33b.
2. Home occupations

Any person may maintain an office or carry on his customary home occupation in the dwelling used by him as his private residence provided such use does not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling and provided such use does not involve any outward evidence of such use.

3. Accessory uses provided such uses are customarily incidental and subordinate to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot as the principal building and are subject to the provisions of Article VI-c.

#### Section 1.2 Conditionally Permissible Uses

The Zoning Board of Appeals may issue conditional zoning certificates for uses listed herein subject to the provisions of Article XX and other sections of Article XX listed below:

1. Basement dwellings subject to Subsection 108 and 109.
2. Mobile Home parks subject to Subsection 117.
3. Tourist homes, rooming and boarding houses accepting not more than four (4) guests at any one time subject to Subsections 106 and 110.
4. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 107 and 110.
5. Publically owned and/or operated buildings and facilities subject to Subsection 101, 105 and 110.
6. Governmentally owned and/or operated parks, playgrounds, golf courses subject

to Subsections 101, 105 and 110.

7. Private and commercial recreational uses other than those governmentally owned and/or operated subject to Subsections 101, 102, 105, 106, 107 and 110.
8. Strip or open pit mining or extraction operations for sand, clay, gravel and other natural resources subject to Subsection 114.
9. Home occupations subject to Subsection 118, entitled "Home Occupations" and also subject to Subsections 106 and 107.
10. Telecommunication towers subject to the following:
  - A. Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See ARTICLE VII of this Resolution for statements on CONDITIONAL USE requirements.

## Section 2 "B" Business District

### Section 2.1 Permitted Uses

A building or premise shall be used only for the following purposes:

1. Any use permitted in the "R" Residential District.
2. Automobile parking lot.
3. Bank.
4. Display room for merchandise to be sold at wholesale where merchandise sold is stored elsewhere.
5. Clinic.
6. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning and pressing, bakery with sale of bakery products on the premises and other uses of similar character.
7. Filling station.
8. Office and office building.
9. Personal service uses, including barber shops, beauty parlors, photographic or artist studios, messieurs, taxi-cabs, newspaper or telegraphic service stations.

10. Private school or academy.
11. Retail store, in connection with such store there shall be no slaughtering of animals or poultry on the premises.
12. Laundromat.
13. Undertaking business or establishment.
14. Florist shop or greenhouse.
15. Drive-In Restaurant or Confectionery.
16. Automobile or trailer display.
17. Places of entertainment or amusement.
18. Frozen food locker.
19. Farm implement display and sales room.
20. Hotel, motel or tourist home.
21. Accessory building or use customarily incidental to any of the above uses.

The above uses shall be permitted only provided such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes or vibration.

### Section 2.2 Conditionally Permissible Uses

The Zoning board of Appeals may issue conditional zoning certificates for uses listed herein subject to the provisions of Article XX and other sections of Article XX listed below:

1. Sexually Oriented Businesses subject to Subsection 119.

### Section 3 "I" Industrial District

#### Section 3.1 Permitted Uses

A building or premise shall be used only for the following purposes:

1. Any use permitted in the "B" Business District except, however, that whenever ninety (90) percent or more of a block or tract of land in the "I" District is vacant or occupied by structures that are non-residential use, than no new residential



units may be permitted within that block or tract.

2. Apparel and other products assembled from finished textiles.
3. Bakeries.
4. Bottling works.
5. Candy manufacturing.
6. Carting, express, hauling or storage yard.
7. Cleaning and dyeing plants.
8. Cosmetic manufacture.
9. Contractor's yard.
10. Coal, coke or wood yard.
11. Creamery, dairy operations and food processing.
12. Drive-In theaters.
13. Drugs and pharmaceutical products manufacturing.
14. Electronic products assembly.
15. Fur goods manufacture, but not including tanning or dyeing.
16. Glass products, from previously manufactured glass.
17. Household appliance products assembly and manufacture from prefabricated parts.
18. Ice cream manufacturing.
19. Ice plants.
20. Jewelry manufacturing.
21. Lumber and building materials yard.
22. Pumping or booster stations along a pipeline or sub-stations along in electric transmission line.

23. Plastic products manufacture, but not including the processing of raw materials.
24. Printing and engraving plants.
25. Processing or assembling of parts for production of finished equipment.
26. Petroleum storage, but only after the location and treatment of the premises have been approved by the Chief of the Fire Department.
27. Sporting and athletic equipment manufacture.
28. Testing and research laboratories.
29. Tire Shop.
30. Warehouses.
31. Wholesale establishments.

There is no provision for construction, reconstruction, establishment or operation of a sanitary landfill, waste disposal plant, waste incinerator or other waste treatment facility within any residential business or industrial zoned district. In fact, such facilities, operations or uses shall be strictly prohibited whether public or private.

#### ARTICLE V            NON-CONFORMING USES

- A. A non-conforming use existing at the time the zoning resolution takes effect may be continued (except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.)
- B. Any building arranged, intended or designed for non-conforming use, the construction of which has been started at the time of the passage of the zoning resolution, but not completed, may be completed and put to such non-conforming use, provided it is done within one (1) year after the zoning takes effect.
- C. Any building or structure, existing as a non-conforming use at the time the zoning resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored provided the same is done within one (1) year from the date of said destruction.

#### ARTICLE VI            OUTDOOR ADVERTISING

Outdoor advertising signs or billboards erected on the premises of, or in conjunction with, any business or home occupation permitted by Article IV, Sections 1.2, 2 or 3 shall be classified as a business use and subject to the regulations contained herein:

1. An outdoor advertising sign or billboard shall be deemed a structure and will require a zoning certificate before being erected, constructed or replaced. A permit fee will be collected by the Zoning Inspector.
2. A sign not larger than twelve square feet in area may be erected without regard for Items 3 and 4 below.
3. No outdoor advertising sign or billboard, other than those mentioned in Item 2 of this section, shall be placed nearer any street or road than the minimum setback line.
4. No outdoor advertising sign or billboard, other than those mentioned in Item 2 of this section, shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than six (6) feet.
5. Any illuminated sign shall be installed and shaded so as not to interfere with the vision of persons on the highway or present a nuisance to neighbors.
6. No outdoor advertising sign or billboard shall be erected, constructed or replaced without obtaining a permit per Item 1 of this section. No permit(s) for same will be granted unless and until the business or home occupation is in compliance with this zoning resolution.
7. Failure to remove outdoor advertising signs or billboards upon cessation of business or home occupation operation shall constitute a violation of this zoning resolution, subject to Article XVII.

Signs of a personal, political or social nature are not considered business uses. Neither are temporary real estate signs, private or auction sale notices, or signs in conjunction with operations excluded by Article III (Agriculture) of this zoning resolution.

ARTICLE VIa      LANDFILL AND DUMPING OPERATIONS

The use of land for filling or dumping of earth, sand, gravel or waste materials, not in connection with general farming, agriculture, horticulture or landscape activities shall comply with the provisions of all other Resolutions of the Township of Monroe relevant thereto.

or

The use of land for the deposit of garbage, hazardous waste, or toxic materials on land surface or as landfill is prohibited. The use of land for facilities to incinerate these items is also not allowed.

ARTICLE VIb      REGULATION OF JUNK AND JUNK YARDS

Junk yards and the storage of junk shall be a prohibited land use in Monroe Township.

ARTICLE VIc      ACCESSORY BUILDINGS

Accessory buildings and uses as permitted in this Resolution shall be subject to the following conditions:

1. An accessory building attached to the principal building, shall comply with the requirements of this Resolution applicable to the main building.
2. Detached accessory buildings shall be permitted in any required side or rear yard provided that:
  - A. A detached accessory building shall be located no closer than six (6) feet from any required side or rear lot line.
  - B. Within an "R" District no accessory building shall exceed one (1) story in height.
  - C. Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard depth facing adjacent streets.
  - D. Any accessory building, 144 square feet or under in size and not on a permanent foundation will not require a zoning permit.
  - E. Accessory buildings in "R" Residential Districts shall not exceed 720 square feet.

ARTICLE VII      PUBLIC UTILITIES AND RAILROADS

The provisions of this Zoning Resolution shall not apply to public utilities or railroads except where express authority has been conferred by the Ohio Revised Code on the Board of Township or Board of Zoning Appeals in which case the entire Zoning Resolution shall be applied where applicable.

1. The provisions of this Zoning Resolution shall apply where authority is granted by the Ohio Revised Code for Township Trustees or Board of Zoning Appeals with respect to any telecommunications tower defined by ORC 519.211 and is proposed to be located in any area of the Township zoned for residential use.

When a telecommunications tower is proposed to be located in any area zoned for residential use it shall be and is as a conditional use. Telecommunications towers shall be permitted provided the Board of Zoning Appeals determines that each of the following conditions has been met:

- A. For the purpose of regulating such telecommunication towers in areas of the Township zoned for residential use, a telecommunication tower shall be considered to exist if the free-standing structure including antennas exceed fifty-two (52) feet in height or if an attached tower exceeds the height of the building or other structure to which it is attached by more than twelve (12) feet.
- B. A site plan shall be provided showing the design and painted color of the tower and its location on the property.
- C. No tower shall be constructed with lights and be painted in red/white or in other bright colors or configuration colors except when specifically required by a Federal law or regulation. When lights are required, strobe lights shall not be used unless specifically required by Federal law or regulation.
- D. The site shall be a minimum of 500 feet from the nearest parcel of land used for residential purposes except: (1) where a communications tower already exists on the same parcel that was constructed prior to January 1, 1999, and (2) the proposed tower will not be constructed beyond a radius of one hundred (100) feet from such prior existing tower.
- E. The minimum set-back line between the base of the tower and all adjacent property lines shall be the height of the tower.
- F. The tower shall be sited and be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area. Further no advertising shall be permitted on the tower.
- G. Unless the proposed tower would be located on a parcel where another tower already exists as otherwise provided in Paragraph D above, the applicant shall demonstrate that the need for the proposed tower cannot be accommodated by co-locating systems on an existing tower.
- H. Each tower shall be designed to accommodate the addition and co-location of a minimum of two additional telecommunication systems.
- I. If the tower is abandoned, it shall be removed within ninety days of its last

date of operation of thereafter be removed by the township and the cost of removal billed to the property owner.

2. In the event an existing tower is to be reconstructed, changed, altered, or enlarged, then it shall be permitted by the Board of Zoning Appeals subject to the conditions of this Section and the provisions of ARTICLE XX, Section 1.2. In no event shall any change or alteration be permitted that would substantially increase the tower's height.

## ARTICLE VIII MINIMUM DWELLING SIZES

1. No single family dwelling shall be erected with less than nine hundred (900) square feet of gross ground floor area, exclusive of breezeways, porches, terraces and garages, if with basement; if without basement, nine hundred (900) square feet and shall be not less than twenty-two (22) feet in width or depth, whichever is the smaller dimension.
2. No two family dwelling, with a basement, shall be erected with less than nine hundred (900) square feet of gross ground floor area and exclusive of breezeways, porches, terraces and garages. Without a basement, no two family dwelling shall be erected with less than nine hundred (900) square feet of gross ground floor area and a gross floor area of nine hundred (900) square feet per family, exclusive of breezeways, porches, terraces and garages. No two family dwelling shall be less than twenty-two (22) feet in width or depth, whichever is the smaller dimension.

## ARTICLE VIIIa HEIGHT LIMITATIONS IN A RESIDENTIAL DISTRICT

### Section 1 Maximum Height

A building shall be limited to a maximum height of forty (40) feet in a Residential District.

### Section 2 Exceptions to Maximum Height

The height limitation contained in Section 1 above does not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. Such exceptions shall not be erected at a height greater than twelve (12) feet above the height limit of forty (40) feet established in Section 1 above, for a residential district.

## ARTICLE IX MINIMUM LOT AREA FOR RESIDENCES

Section 1    Category a

With private individual sewerage disposal system and/or water facilities.

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than twenty thousand (20,000) square feet unless such lot was designated on a recorded plat or separately owned at the effective date of this resolution.
2. No two family house, multiple dwellings or apartment house shall be erected or building altered for dwelling purposes to accommodate more than one family on less than twenty thousand (20,000) square feet of lot area per family.

Section 2    Category b

With community sanitary sewer disposal facilities and the water system to be community or individual both to be acceptable to the county and/or the State Health Department.

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than ten thousand (10,000) square feet of lot area.
2. No two family house or multiple dwelling or apartment house shall be erected or building altered for dwelling purposes to accommodate more than one family on less than seven thousand five hundred (7,500) square feet of lot area per family.

Section 3    Category c

With community water facilities and private sewage disposal facilities.

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than twelve thousand (12,000) square feet of lot area.
2. No two family house or multiple dwelling or apartment house shall be erected or building altered for dwelling purposes to accommodate more than one family on less than twelve thousand (12,000) square feet of lot area per family.

Section 4

Lot area computations shall start thirty (30) feet from center of the right-of-way unless the right-of-way is now or contemplated to be more than sixty (60) feet wide in which case, start the computation at the edge of the right-of-way.

ARTICLE X            MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having a width at the building setback line of less than seventy-five (75) feet in Article IX, Section 1, Category a, sixty (60) feet in Article IX, Section 2, Category b; and sixty-five (65) feet in Article IX, Section 3, Category c; unless such lot was designated on a recorded plat or separately owned at the time the zoning resolution takes effect and cannot be practicably enlarged to comply with this requirement.

ARTICLE XI           ALLOTMENTS

Section 1

Proposed allotments shall have the approval of the Zoning Commission and size of lots shall comply with Section IX (Minimum Lot Area For Residences) and Section X (Minimum Lot Width).

Section 2    Public and Private Access Requirements

Every dwelling shall be located on a public or private street.

1.     Proposed public streets shall be designed and improved in accordance with the minimum improvement standards of the Richland County Subdivision Regulations.
2.     All proposed private access drives or streets shall have a minimum right of way width of sixty (60) feet, and in no case shall a dwelling be permitted on such right of way.

ARTICLE XII           SETBACK LINES

Section 1    Setback From Road or Street

No building or structure or any portion thereof, except steps and uncovered porches, less than ten (10) feet in width, shall be erected within the following distances from the right-of-way side line of any road or street: Those in Article IX, Section 1, Category a, forty (40) feet; those in Article IX, Section 2, Category b, thirty (30) feet; and those in Article IX, Section 3, Category c, forty (40) feet.

If there is no established right-of-way side line for any road or street, said side line shall be deemed to be thirty (30) feet from the center of the road, except if such street or road right-of-way is more than sixty (60) feet wide, said setback lines shall be measured from the edge of the right-of-way.

Section 2    Sideyards



There shall be a minimum clearance on each side of every residence erected between the building and the adjacent lot line. Attached garages, carports or accessory building connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building. This shall be not less than five (5) feet on Category a, Category b and Category c.

All other accessory buildings shall be at least twenty (20) feet from any dwelling, except that when an accessory building is located twenty (20) feet or more to the rear of the main dwelling, the distance from the accessory building to the side lot line shall be not less than five (5) feet.

The above also applied to corner lots except that the building or residence shall be a minimum distance of twenty (20) feet from the side street as per Section 3 (Corner Lots).

### Section 3    Corner Lots

The setback building line on a corner lot shall be in accordance with the provisions governing the road and street on which the building faces. If possible, the side yard clearance on the side street should conform to the setback line for an inside lot on said road or street, but in no event shall be less than twenty (20) feet.

### Section 4    Rear Yard

For every dwelling erected, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

## ARTICLE XIII        PARKING FACILITIES

### Section 1    Dwellings and Apartments

All dwellings and apartment houses shall provide parking spaces off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.

### Section 2    Places of Entertainment

Every school, theater, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobile and other vehicles, for every four (4) persons

to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such patrons.

### Section 3     Supplementary Parking Regulations

No wrecked or otherwise inoperable motor vehicle without a valid license shall be allowed to be parked or stored in any area more than two (2) weeks-unless such storage or parking space shall be enclosed by structure, fence or otherwise protected so that the vehicle cannot be entered upon or seen from adjacent lot or street.

## ARTICLE XIV     ZONING INSPECTOR, CERTIFICATE AND FEES

### Section 1     Zoning Inspector

The position of Township Zoning Inspector is hereby created. He shall be appointed by and serve at the pleasure of the Board of Township Trustees and shall be allowed his expenses, or such compensation, or both as the Board of Trustees may approve and provide.

The Zoning Inspector is charged with the literal enforcement of this zoning resolution. He is an administrator only and does not possess any discretionary authority. It is his duty to enforce the provisions of this zoning resolution as adopted and amended, and is not empowered to grant any variance or exceptions from this resolution.

He shall maintain adequate records of all applications, zoning certificates, zoning violations, and all matters pertaining to same.

The Zoning Inspector shall approve only those applications for zoning permits that conform to all requirements of the zoning resolution; and shall advise all others of the right to appeal through the Board of Zoning Appeals or the courts.

### Section 2     Zoning Certificate

Before constructing any building (exclusive of buildings otherwise exempted in this resolution) application shall be made to the Township Zoning Inspector for a Zoning Certificate. The applicant shall indicate the exact location of the proposed construction and submit a plot plan, showing the location, dimensions, and the proposed use.

Before remodeling or altering of any building (exclusive of buildings otherwise exempted in this resolution ) in which the existing gross floor area is to be enlarged, application shall be made to the Township Zoning Inspector for a Zoning Certificate. A plot plan showing the location of the building, the proposed gross floor area increase, and the proposed use, shall be submitted to the Zoning Inspector. The fee charge for permits on alterations or remodeling shall be the same as required for new construction.

No permit shall be required for minor alterations, remodeling, or repairs on any building, provided that gross floor area is not enlarged.

A separate Zoning Certificate shall be required for construction and use of a temporary dwelling quarters. The charge for this permit shall be the same as required for new construction.

Each application shall clearly state that unless construction is started within one (1) year from the date of issuance, or substantially completed within two and one half (2½) years, the zoning permit shall be void.

### Section 3    Fees

The Board of Township Trustees shall by resolution establish a schedule of fees, permit charges and compensation for all matters and personnel relating to the administration and enforcement of this zoning resolution. The schedule of fees shall be posted in the Township Hall and the office of the Zoning Inspector, and may be altered or amended only by the Board of Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

A fee will be collected by the Zoning Inspector to issue a "Temporary Visitors Zoning Certificate" for a visiting recreational vehicle, camper or other highway vehicle parked and used as living quarters. Such certificate shall run for thirty (30) days, with provision for two renewal certificates at additional cost. Maximum visitation period of ninety (90) days. Failure to remove or vacate upon expiration of certificate shall constitute a violation of this zoning resolution, subject to Article XVII.

A fee shall be collected by the Zoning Inspector for issuance of a Zoning Certificate for remodeling, alteration or construction of any building based on the square footage of gross floor area. Gross area is defined as the exterior dimensions of the building or addition and includes the basement and each separate floor.

## ARTICLE XV        ZONING COMMISSION

There is hereby created a Township Zoning Commission of five (5) members, who shall be residents of the unincorporated area of the township included in the area zone. The term of each member shall be five (5) years beginning January 1 except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. The members of the Zoning Commission shall be appointed by the Board of Township Trustees.

Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The members of the Zoning Commission shall be allowed their expenses, or such compensation, or both as the Board of Trustees may approve and provide.

The Township Zoning Commission shall meet quarterly and may initiate amendments to the zoning resolution from time to time. Amendments may also be initiated by the Township Trustees or by Petition. Before submitting a recommendation of any amendment, the Zoning commission shall hold not less than one (1) public hearing thereon, notice of which shall be given by one (1) publication in one or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing. When the Township Zoning Commission has completed its recommendations for an amendment, it shall certify the same to the Board of Trustees.

After receiving the certification of a proposed amendment to the zoning resolution from the Township Zoning Commission and before adoption of such zoning amendment, the Board of Township Trustees shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the township. Such hearing may be continued from time to time if in the public interest to do so.

No change in or departure from the text or maps of the amendment as certified by the Township Zoning Commission shall be made unless the same be first submitted to the Township Zoning Commission for its approval, disapproval or suggestions. If such changes are disapproved by the Township Zoning Commission provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

After receiving a recommended amendment to the zoning plan from the Township Zoning Commission and holding the public hearing provided for, the Board of Township Trustees shall consider such recommendation and vote upon the recommended amendment to the zoning resolution. If the amendment to the zoning resolution is adopted by the Board of Township Trustees, it shall take effect thirty (30) days thereafter, unless within said period there is presented to the Board of Township Trustees a Petition signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the amendment to the zoning resolution and affected by the amendment, equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last general election in which a Governor was elected, re-requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or to submit the amendment to the election, in which event the amendment shall not take effect unless a majority of the electors shall approve the same.

#### ARTICLE XVI      BOARD OF ZONING APPEALS

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the township included in the area zone. The term of each member shall be five (5) years beginning January 1, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is

appointed and qualified. The member of the Board of Zoning Appeals shall be appointed by the Board of Township Trustees. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals shall be allowed their expenses, or such compensation, or both as the Board of Trustees may approve and provide.

The Township Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or any amendment thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the zoning resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the zoning resolution shall be observed and substantial justice done.

In exercising the above-mentioned powers, such Board may, in conformity with the provisions of the law and the zoning resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination as ought to be made, and to that end shall have all power of the officer from whom the appeal is taken.

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of the zoning resolution. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action of appeals was taken.

The Township Board of Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest and decide the same within

thirty (30) days after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of a Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this County on the ground that such decision was unreasonable or unlawful.

The Board of Zoning Appeals shall at all times resist the arbitrary variation from this zoning resolution, both of intent and specifics, that results from consideration of political pressure, personal friendships, or emotion arguments regarding economics or other hardships which are not related to the purposes of zoning.

The board shall at all times remember that neither voiced objection or support on a particular zoning matter is a consideration unless, and until, all other factors have been reviewed and found in accordance with proper procedures, requirements, and the spirit and intent of this zoning resolution.

In many instances it will be the responsibility of this board to provide, by their vote and actions, the necessary objection or support on a zoning matter. At all times this should be based on the intent and specifics of the zoning resolution, and a prudent consideration of the present and future benefit for all present and future township residents.

It is the responsibility of this board to act on behalf of all township residents, not the select few who may be directly affected by a particular zoning decision. The board should at all times consider the precedent and direction resulting from each decision.

Under no circumstances should the Board of Appeals consider or act upon matters which are not specifically called for in this resolution, or exercise powers which are not specifically granted.

## ARTICLE XVII      ENFORCEMENT

1. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provisions of the zoning resolution or amendment thereto. Any person, firm or corporation violating the zoning resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00). Each and every day during which such illegal erection, construction, enlargement, change, maintenance or use continues may be deemed a separate offense.
  
2. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law or of the zoning resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector or any adjacent or neighboring

property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

#### ARTICLE XVIII      INTERPRETATION

In interpretation and application, the provisions of the zoning resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provisions of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where the zoning resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions herein shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed herein.

#### ARTICLE XIX      VALIDITY

Each section, subsection, provision, requirement, regulation or restriction established herein or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not effect nor render invalid the zoning resolution of amendments thereto as a whole or any part thereof except the particular part so declared to invalid.

#### ARTICLE XX      CONDITIONALLY PERMISSIBLE USES

##### Section 1      Purpose

Rather than assign all uses to individual and limited zoning districts, it is important to provide a controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor; but that will at the same time maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Resolution for a more detailed consideration of each of certain specified activities as may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement and concentration of population.

Land and structure uses possessing these particularly unique characteristics are designated as Conditionally Permissible Uses and are permitted through the issuance of a "Conditional Zoning Certificate" with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The Board of Zoning Appeals, as hereinafter created, may authorize the issuance of such conditional zoning certificates for any of the uses listed as Conditionally Permissible Uses. The procedure outlined below should be followed in submitting a request for such a certificate.

### Section 1.1 Procedure for Making Application

#### 1. Submission

Any application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose. Each application shall be accompanied by a non-refundable fee.

#### 2. Data required with Application

- A. Form supplied by Zoning Inspector, completed by application.
- B. Site plan, plot plan or development plan of the entire property being considered, drawn to a scale of no smaller than 1" = 100' and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses.
- C. Completed plans and specifications for all proposed developments and construction.
- D. A statement supported by substantiating evidence regarding the requirements enumerated in Article XX, Section 1.2-1.

#### 3. Review by Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in the Monroe Township Zoning Resolution.

#### 4. Hearing

After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place,



time and subject of the hearing.

5. Issuance and Revocation of Conditional Zoning Certificates

Only upon conclusion of hearing procedures relative to a particular application, may the Board of Zoning Appeals issue a "Conditional Zoning Certificate." The breach of any condition, safeguard or requirement shall automatically invalidate the certificate granted.

6. Reapplication

No application for a "Conditional Zoning Certificate" which has been denied wholly or in part by the Board of Zoning Appeals of the township shall be resubmitted until the expiration of one (1) year or more from the date of such denial except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

Section 1.2 Basis of Determination

The Board of Zoning Appeals shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each use and operation of the proposed development. The Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of the resolution will be observed.

1. General Standards

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

- A. Will be harmonious with in accordance with the general objectives, or with any specific objective of the County or Township Comprehensive Plan of current adoption;
- B. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will be served adequately by essential public facilities and services such

as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment if the proposed use shall be able to provide adequately and such service;

- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- F. Will not involve any uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or noise of any nature;
- G. Will be consistent with the intent and purpose of this Resolution.

## Section 2 Regulations Pertaining to Conditionally Permissible Uses

- 101 All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- 102 No lighting shall have a visible source of illumination and shall in no way impair safe movement of traffic on any street and highway; no lighting shall shine directly on adjacent properties.
- 103 Such structures should be located on a secondary or minor street or road.
- 104 Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the non-residential use into a residential area.
- 105 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 106 There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.
- 107 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- 108 Any temporary structures must be indicated as such on site plans submitted to the Zoning Board of Appeals for approval.
- 109 Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Zoning Board of Appeals.

- 110 Such structures should be located on major thoroughfares or at intersections of major and/or secondary thoroughfares.
- 111 Such use shall not require costly or uneconomic extensions of utility services at the expense of the community.
- 112 Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
- 113 No slope shall exceed an angle with the horizontal of forty-five (45) degrees.
- 114 All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural. (Gravel and sand pits and quarries shall be completely and continually drained of water when not in use or not supervised by a watchman to prevent erosion or any other potential deterioration.)
- 115 Shall indicate established routes for truck movement in and out of the development in such a way that it will prevent hazards and damage to other properties in the community.
- 116 It is the intent of this subsection to permit basement dwellings which are used for dwelling purposes for a maximum period of two (2) years. Under certain unusual conditions or circumstances the Zoning Board of Appeals may grant additional extensions of six (6) month periods.
- 117 Mobile Home Park
1. Mobile Home Parks are subject to the following conditions and further subject to the review of a site plan approved by the Zoning Board of Appeals and the Township Trustees:
    - A. The Mobile Home Park shall provide a twelve (12) foot wide greenbelt together with a six (6) feet high vertical obscuring screen on those side or rear yards of the Mobile Home Park which abut onto an "R," "B," or "I" District. The obscuring screen shall provide a continuous, year-round screen.
    - B. Access from Mobile Home Park to the nearest public thoroughfare shall be by means of a public right-of-way of not less than sixty (60) feet in width. No access shall be permitted through an "R" Residential District.

- C. An adequate road and walkway system shall be provided through the park to serve each mobile home stand. Five (5) foot wide sidewalks must be provided on each side of a road unless an internal sidewalk or walkway system is provided. The road and sidewalk/sideway systems shall be constructed in accordance with the following road and sidewalk/sideway standards:

	<u>Collector Roads</u>	<u>Minor Roads</u>
Pavement width	24'	22'
Sidewalk/walkway width*	5'	5'

\* If five (5) foot wide internal walkways are provided through a court or park area abutting onto the rear or side yard of a mobile home stand, only one (1) walkway shall be required providing such walkway is continuous and provides access to all open space, recreational areas and mobile home stands of the park.

- D. Each mobile home stand shall be served by a centralized sewer and water facility of the type approved by the Ohio State Department of Health.
- E. Each mobile home stand shall be furnished with power and heating systems.
- F. Each mobile home stand shall be equipped with individual trash receptacles adequately protected from spillage. The owner of the Mobile Home Park shall be responsible for furnishing each lot with trash receptacles.
- G. The Mobile Home Park shall further comply with any other county and state health department regulations, and any other resolutions of Monroe Township.
- H. Sufficient space shall be provided on the Mobile Home Park site for the storage of mobile homes vacated for more than a thirty (30) day period, except due to temporary leave of absence. The storage area shall be provided with an obscuring screen. The area used for the storage of mobile homes shall be exclusive of any parks, public spaces or rights-of-way of interior roads and said space shall not be used for the sale or service of mobile homes.
- I. Minimum Lot Area: Ten (10) acres.

- B. Minimum Parking Requirements:
  - A. Two (2) per mobile home stand
  - B. One (1) per mobile home park employee
- C. Area Regulations
  - A. Mobile Home Minimum Setback Requirements:
    - Minimum distance between mobile homes: twenty-five (25) feet
    - Minimum front yard setback: twenty (20) feet
    - Minimum rear yard setback: twenty (20) feet
  - B. Maximum Number of Mobile Home Units Per Acre: Seven (7) units
  - C. Minimum Mobile Home Stand Dimensions:
    - Forty (40) foot unit: 40' x 12' x 4"
    - Sixty (60) foot unit: 60' x 14' x 4"

## 118 HOME OCCUPATIONS

All Home Occupations are subject to the following conditions:

1. Such uses shall be secondary in importance to the use of the dwelling or dwelling purposes.
2. Home occupations shall be conducted by the residents with no additional employees.
3. Such occupations shall be carried on entirely within the dwelling or in an adjacent accessory building, which shall be located on the same lot or premises as the dwelling.
4. The home occupation shall not occupy more than thirty (30) percent of the gross first floor living area of any one dwelling unit.
5. For purposes of advertisement, there shall be no more than one (1) sign or identification plate to exceed twelve (12) square feet in area, on the premises. All signs must conform to Article VI, Outdoor Advertising, of the

Resolution.

6. Adequate and sufficient off street parking must be provided and maintained by the residents.
7. Home occupations will be permitted only provided such use is not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.
8. No activity, materials, goods or equipment indicative of the home occupation shall be visible from any public thoroughfare or adjacent property.

119 Sexually Oriented Businesses subject to the following:

1. As used in this section the following definitions shall apply:
  - A. Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.
  - B. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
  - C. Adult Bookstore or Adult Video Store: A commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental for any form of consideration of any one or more of the following:
    - (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas," or
    - (2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

- D. Adult Cabaret: A nightclub, bar, restaurant or similar commercial establishment which regularly features:
- (1) persons who appear in a state of nudity; or
  - (2) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities;” or
  - (3) film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- E. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- F. Adult Motel: A hotel, motel or similar commercial establishment which:
- (1) offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic productions; or
  - (2) offers a sleeping room for rent for a period of time that is less than 10 hours; or
  - (3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
- G. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”

- H. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
  - I. Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.
  - J. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
    - (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
    - (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
  - K. Specified Anatomical Areas: Human genitals in a state of sexual arousal.
  - L. Specified Sexual Activities: Includes any of the following:
    - (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
    - (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
    - (3) masturbation, actual or simulated; or
    - (4) excretory functions as part of or in connection with any of the activities set forth in (a) through (c).
2. Only within the B Business District shall sexually oriented businesses be permitted and only if the Board of Zoning Appeals determines that each of the following conditions have been met:
- A. that the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church, funeral home or residence.



- B. that the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500 ) feet from any other parcel of land containing a sexually oriented business.
- C. nothing in this Section shall be deemed to amend Chapter 2907, Sex Related Offenses of the Ohio Revised Code or otherwise make any conduct legal which is illegal under the Ohio Revised Code.
- D. All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection measured from the street right-of-way lines.

ARTICLE XXI      DEFINITIONS

- 1. Accessory Use: is a use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.
- 2. Alternation: as supplied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- 3. Billboard: is a “sign” which directs attention to a business, commodity, service, or any other activity conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the billboard is located. Billboards shall be regarded as buildings or structures within the meaning of this resolution.
- 4. Building: is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and when separated by a fire wall, each such separated portion of such structure shall be deemed a separate building.
- 5. Building, Principal: is the building housing the principal activity performed on any lot.
- 6. Basement: is a story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.
- 7. Height, Building: is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of a mansard roof; and to the average height between the plate and ridge of a

gable, hip or gambrel roof.

8. Boarding House or Rooming House: is a dwelling where meals or lodging and meals are provided for compensation to two (2) or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel.
9. Building Line: is a line defined the minimum front side and rear yard requirements.
10. Centralized Sewer System: is where individual lots are connected to a common disposal system whether publicly or privately owned and operated.
11. Centralized Water System: is where individual lots are connected to a common distribution system whether publicly or privately owned and operated.
12. Density: is the number of families residing on, or dwelling units developed on, an acre of land.
- 12a. Dwelling: Is a building (except a manufactured home or mobile home as defined in this Resolution) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants and built on a site complying with the local building codes or built completely or partially off site complying with the basic building codes of the State of Ohio for Industrialized Units or a Permanently Sited Manufactured Home as defined in this Resolution.
13. Dwelling, One-Family: is a dwelling designed for, or occupied exclusively by one family.
14. Dwelling, Two-Family: is a dwelling designed for, or converted or occupied exclusively by two families, living independently of each other.
15. Family: is one (1) or more persons related by marriage or immediate blood relationship occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house, club, fraternity, or hotel.
16. Garage, Public or Storage: is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.
17. Home Occupation: is any use customarily conducted entirely on the premises and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the property for dwelling purposes and does not change the character thereof. Clinics, hospitals, tea rooms, tourist homes, animal

hospitals, kennels, among others shall not be deemed to be home occupations.

18. Hotel or Motel: is a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals and in which there are more than five (5) sleeping rooms and which no provision is made for cooking in any individual room.
- 18a. Industrialized Unit: is a building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined in this Resolution.

For the purpose of this Resolution an industrialized unit shall be considered to be a family residential dwelling provided it meets all of the following criteria:

- a. The industrialized unit installed on a site-built permanent foundation.
  - b. The industrialized unit is designed not to be moved once erected or installed on the site-built permanent foundation.
  - c. The industrialized unit complies with the Ohio and/or local building codes as evidenced by an appropriate Industrialized Unit Insignia Number on each unit.
19. Junk Yard: is a parcel of land where junk is bought, sold, exchanged, baled, packed, disassembled, stored or handled.
  - 19a. Junk: is scrap metal, wood of all types except fire wood, bones, rags, used cans or bottles or paper packaging, old or used machinery, tools equipment, appliances, motor vehicles or parts thereof, used construction materials and any other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture.
  20. Lot: is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this resolution.
  21. Loading Space: is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

22. Lot, Corner: is a lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being no more than one hundred thirty-five (135) degrees. It is the land occupied or to be occupied by the corner-buildings.
23. Lot, Depth of: is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where the right-of-way is not established, it shall be assumed to be sixty (60) feet.
24. Lot, Interior: is a lot other than a corner lot.
25. Lot Lines: are the lines defining the limits of a lot.
26. Lot of Records: is a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Richland County, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Recorder of Richland County.
27. Lot, Width of: is the width measured along the minimum setback line.
- 27a. Manufactured Home: is a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974." and that has label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. "Manufactured Home" does not qualify as an industrialized unit as defined in this Resolution.
28. Minimum Building Setback Line: is a line in back of and parallel to, the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way line is not established it shall be assumed to be sixty (60) feet.
29. Minimum Living Floor Area: is the living floor area and shall consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library and family rooms, but shall not include areas such as porches, breezeways, terraces, recreation rooms, utility rooms, garages and basements.
- 29a. Mobile Home: is a building unit or assembly of closed construction that is fabricated in an off-site facility that is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and transportable in one or more sections, and

that does not qualify as a manufactured home or industrialized unit as defined in this Resolution.

30. Mobile Home Park: is any parcel of land upon which two or mobile homes are parked for dwelling purposes.
31. Nonconforming Use: is a building, structure or use of land existing at the time of the enactment of this resolution, and which does not conform to the regulations other than height, area and yard requirements for the district in which it is situated.
32. Open Space: is an area of land which is in its natural state, or is developed only for raising of agricultural crops, or for public outdoor recreation.
33. Parking: is the temporary holding for a period longer than required to load or unload persons or goods.
- 33a. Permanent foundation: is a permanent masonry, concrete, or locally approved footing or foundation, to which an industrialized unit or manufactured home may be affixed.
- 33b. Permanently Sited Manufactured Home: is a manufactured home that meets all of the following criteria:
  1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
  2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine-hundred (900) square feet or whatever is required of single family dwellings in the applicable zoning district, which ever is greater, excluding garages, porches, or attachments;
  3. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
  4. The structure was manufactured after January 1, 1995;
  5. The structure is not located in a manufactured home park.
34. Public Utility: is any person, firm corporation, governmental agency or board fully authorized to furnish and furnishing under municipal regulation, to the public, electricity, gas, steam, telephone, telegraphy, transportation or water or any other similar public utilities.

- 34a. Recreational Facility: is a place designed and equipped for the conduct of sports and leisure-time activities.
- 34b. Recreational Facility, Commercial: is a recreational facility operated as a business and open to the public for a fee.
- 34c. Recreational Facility, Private: is a recreational facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organizations.
- 34d. Recreational Facility, Public: is a recreational facility open to the general public.
35. Sign: is any card, cloth, paper, metal, painted glass, wooden, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever and relation to the property on which it is displayed. The term “placed” as used in the definition shall include erecting, constructing, posting, painting, printing, tacking, nailing, glueing, sticking, carving, or other fastening affixing, or making visible in any manner whatsoever.
36. Sign, Business: is a sign which directs attention to a business or profession conducted upon the same premises.
37. Story, Height of: is the vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface to the floor to the top surface of the ceiling joists.
38. Street, Public: is a public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the Trustees and which affords principal means of access to abutting property.
39. Street, Private: is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.
40. Structure: is anything constructed or erected which requires location on the ground, including billboards, but not including fences or walls used as fences.
41. Structural Alterations: is any change in the supporting members of a building such as bearing walls, columns, beams, girders or any substantial changes in the roof and exterior walls.
- 41a. Telecommunication Tower: is any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- a. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provisions of telecommunications services.
  - b. The free-standing or attached structure is proposed to be located in an area of the township zoned for residential use.
  - c. The free-standing or attached structure is proposed to top at a height that is greater than fifty-two (52) feet.
  - d. The attached structure is proposed to top at a height that is greater than the height of the building or other structure to which it is to be attached.
  - e. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
42. Thoroughfare: is a street or alley.
43. Tourist Home: is a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.
44. Yard Width, Side: the perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.
45. Yard Depth, Front: is the perpendicular distance between the street right-of-way line and nearest portion of any structure existing or to be constructed excluding steps and uncovered porches. Where the right-of-way is not established it shall be assumed to be sixty (60) feet.
46. Yard Depth, Rear: is an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

MONROE TOWNSHIP, RICHLAND COUNTY, OHIO

REQUEST FOR AN AMENDMENT

No. \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

Fee \$ \_\_\_\_\_

The undersigned hereby applies for an amendment to the Monroe Township Zoning Regulations.

1. Name and Address of Landowner: \_\_\_\_\_

\_\_\_\_\_

2. Name and Address of Applicant: (if different from #1) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Address of Subject Property: \_\_\_\_\_

4. Current Zoning: \_\_\_\_\_

5. Requesting Zoning: \_\_\_\_\_

6. Proposed Use: \_\_\_\_\_

7. Legal and Geographic Description: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

8. Briefly state reasons to justify departure from conformity to the Land Use Plan:

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\_\_\_\_\_



9. Names and Addresses of Adjoining Residents and Property Owners:

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10. Attach a sketch or obtain a map from the courthouse showing the subject parcel.

11. The Application for an amendment will be considered, in part, on the basis of the representations contained above, all of which the applicant swears to be true.

\_\_\_\_\_  
Signature of Applicant